



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

ALAMEDA COUNTY  
Roberta Cooper  
Scott Haggerty  
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Shelia Young

CONTRA COSTA COUNTY  
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Mark Ross  
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NAPA COUNTY  
Brad Wagenknecht

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Chris Daly  
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INTERIM CEO/EXECUTIVE  
SECRETARY

Ellen Garvey  
AIR POLLUTION  
CONTROL OFFICER

August 8, 2002

Ms. Jerri Curry  
Rainbow Real Estate-Mediation Services  
P.O. Box 1304  
Benicia, Ca 94510

Dear Dr. Curry:

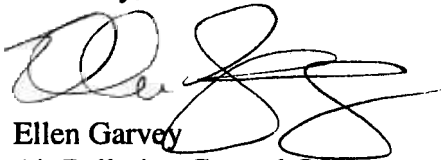
I am receipt of your August 2, 2002 memorandum on the matter of a public hearing for the EIR and the plan to use Interchangeable Emission Reduction Credits for the Valero refinery. The two above mentioned documents are currently under public review and the Air District is receiving comments from the interested public. Your correspondence is part of the public record for the actions in front of the Air District. Also, your request for a public hearing is part of the record for the two noticed actions.

Please note that the emissions that are part of the Interchangeable Emission Reduction Credit plan and the EIR are nitrogen oxides. Nitrogen oxides are a criteria air contaminant that have federal and state ambient air quality standards and are not a toxic air contaminant.

As I mentioned in my July 30, 2002 letter, there is no mandatory requirement for a public hearing for the noticed actions. I will be making a decision on whether to hold a public hearing after reviewing all of the comments received before the end of the comment period. I will contact you as soon as the comment period ends and I have had a chance to consider your request.

Please be sure that your request for a public hearing has been included in the public comment package.

Sincerely,



Ellen Garvey  
Air Pollution Control Officer

cc: Steve Hill

**Rainbow Real Estate-Mediation Services**

Creating Connections for You.

**August 2, 2002**

Jerri Curry, Ph.D.

Real Estate Agent

**TO: Ellen Garvey****FROM: Dr. Jerri Curry** 

Your letter of July 30<sup>th</sup> was not responsive to my request dated July 21st, 2002 regarding a request for a public hearing on the EIR as it relates to IERCs. Since I have already, on the record, requested a public hearing to discuss community concerns about using and issuing credits to Valero for increased toxic emissions, it puzzles me as to why this request is being overlooked. In your letter of July 30<sup>th</sup>, you reference two entirely different issues, and the consideration of public hearings in those instances. My request is not related to those issues.

Your July 30<sup>th</sup> letter does not reference my request regarding the EIR and increasing toxic emission credits for Valero and an important public hearing prior to granting Valero those credits (the IERCs) with the accompanying EIR. It is my hope the request is being seriously taken by the Air Quality Management Board. Clearly all of our time is important and it would not serve anyone's interest if that time was wasted by remaining unresponsive to specific requests.

Since there appears to be significant confusion regarding a response to my request, it certainly would be appropriate to extend the public comment period for an EIR and before granting Valero permission to increase their toxic emissions through additional credits, by at least thirty to sixty days. Please find a way to reassure us of the Air Quality Management Board's good faith efforts. I do believe a public hearing regarding the above referenced matter would be a positive step in the right direction in showing good faith by the Air Quality Management Board. The community has a right to an EIR and learning what toxic emission credit increases are being given to Valero and why? A public hearing would hopefully answer that question more fully than a few written scattered comments mailed in to your office.

P.O. Box 1304

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July 30, 2002

Ms. Jerri Curry  
Rainbow Real Estate-Mediation Services  
P.O. Box 1304  
Benicia, CA 94510

Dear Ms. Curry:

I would like to take this opportunity to answer your correspondence dated July 22, 2002 pertaining to the Valero refinery.

The District has noticed two actions and is requesting public comments on these proposed actions.

The first matter for which we are requesting comments is a draft environmental impact report for the project that is a plan to use interchangeable emission reduction credits. A copy of that notice is attached for your information. The State CEQA guidelines adopted by the Office of Planning and Research does not mandate a public hearing prior to action on a draft EIR. However, a comment can be made requesting a public hearing on the draft document. Such a comment will be evaluated and seriously considered.

The second matter for which we are requesting comments is a plan to use Interchangeable Emission Reduction Credits. A copy of the evaluation report for the plan is attached for your review. The District rules for the use of Interchangeable Emission Reduction Credits does not mandate a public hearing prior to action on the draft plan. However, a comment can be made requesting a public hearing on the draft document. Such a comment will be evaluated and seriously considered.

We will be holding the comment periods open for both of the above documents until close of business August 5, 2002. Your comments on both of the proposed actions will be seriously considered.

Sincerely,

Ellen Garvey  
Air Pollution Control Officer

Enclosure

FROM :

FAX NO. : 7074280228

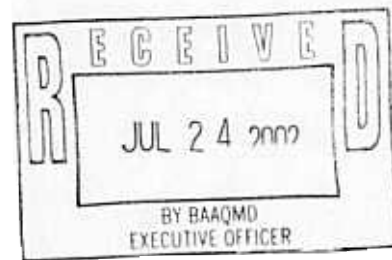
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**Rainbow Real Estate-Mediation Services**

Creating Connections for You

Jerri Curry, Ph.D

Real Estate Agent



July 22, 2002

TO: Ellen Garvey, BAAQMD

FROM: Jerri Curry, PhD

Your July 22nd letter which was faxed to me does not answer my question.

AGAIN, PLEASE PUT IN WRITING WHY THE BAAQMD IS NOT HOLDING A PUBLIC HEARING ON THIS MATTER?

P.O. Box 1304

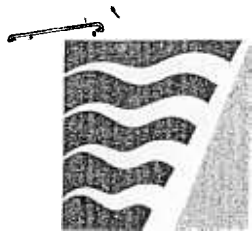
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July 22, 2002

Jerri Curry, Ph.D.  
P.O. Box 1304  
Benicia, CA 94510

Re: Valero IERCs

Dear Dr. Curry:

I am responding to your July 21, 2002, letter regarding the Air District's preliminary decision to issue IERCs to the Valero Refinery. I also received your voicemail message. I tried reaching you on your cell phone on more than one occasion, but had difficulty connecting.

As you may know, the IERC proposal is currently available for public comment. The 30-day comment period closes August 5, 2002 at 5pm.

If you would like a copy of the preliminary decision or, if you have questions about the staff evaluation, please contact Greg Stone, Supervising Air Quality Engineer in the Permit Services Division at (415) 749-4745.

I hope this information is helpful to you.

Sincerely,



Ellen Garvey  
Air Pollution Control Officer

## Rainbow Real Estate-Mediation Services

Creating Connections for You.

Jerri Curry, Ph.D.

Real Estate Agent

July 21, 2002

TO: Ellen Garvey, Air Pollution Control Officer  
Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, California 94109

FROM: Jerri Curry, Ph.D.  
Citizen of Benicia, California



Re: Public Hearing IERCs

This is my second request that your office, in writing,  
advise us as to why there will not be a public hearing  
regarding Valero and the IERCs.

on Public Notice <sup>5m</sup>  
until Aug 5<sup>th</sup> ~~to the~~

30-day

- IERCs have to be dec. on site  
- IERC NOx not toxics or poc  
lifetime or credit

Greg Stone  
Sup AQ Cong.

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Benicia, California 94510

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